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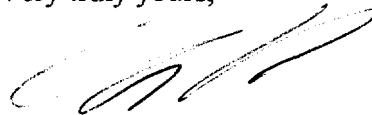
Re: MM Dkt. No. 00-10, MM Dkt. No. 99-292  
Establishment of Class A Television Service  
Comments

Dear Ms. Salas:

Transmitted herewith, on behalf of Guenter Marksteiner, are an original and four copies of his Comments in the above-referenced rulemaking proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Ann Bavender  
Counsel for Guenter Marksteiner

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of

Establishment of a  
Class A Television Service

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MM Dkt. No. 00-10  
MM Dkt. No. 99-292  
RM-9260

To: The Commission

**COMMENTS**

Guenter Marksteiner ("Marksteiner") hereby submits his comments in the above-captioned rulemaking proceeding to establish a new Class A Television Service. In support, the following is stated:

1. Marksteiner is the sole remaining applicant for a new full-power television station on Ch. 59 at Stuart, Florida (File No. BPCT-960920LH). The application, filed over three years ago, was amended in April 1998 to propose operation with Digital Television (DTV) facilities only. After the application was placed on a cut-off list and ready to be granted in December 1998, a petition to deny was filed. With the petition recently withdrawn, the application is again ready for grant.<sup>1</sup> Marksteiner intends to construct the station and place it on the air immediately after the application is granted. This will not present a problem for Marksteiner since he currently has in operation sophisticated DTV studio and production facilities employing state-of-the-art equipment which he intends to use with the new Stuart station. The new station will provide the

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<sup>1</sup>If the petition had been acted upon prior to its withdraw, the station would have commenced broadcasting several months ago.

first local television service to Stuart and surrounding areas of Martin County. It will also provide one of the first DTV services to residents of South Florida and some of the area's only locally produced DTV programming.

2. In the above-captioned rulemaking, the Commission proposes to preserve the services areas of Low Power Television (LPTV) stations which recently submitted certificates of eligibility for Class A television status pending the final resolution of their Class A applications. The exceptions are (i) DTV stations seeking to replicate their analog service areas within their allotted engineering parameters, (ii) DTV stations which on or before December 31, 1999 filed applications to maximize their facilities to correspond to their allotted parameters or statements of intent to file such applications by May 1, 2000, and (iii) DTV stations which encounter technical problems necessitating adjustments to their allotment parameters.

3. Marksteiner submits that it would serve the public interest for the Commission to clarify that, for purposes of Class A television contour protection, DTV applications such as the Stuart application, which prior to November 29, 1999 were amended to propose the commencement of new service with DTV facilities only, are the equivalent of DTV facilities allotted prior to that date.<sup>2</sup> This is particularly true since a separate allotment proceeding is not required prior to grant of such applications and, thus, was not undertaken before the November date. In addition, the Stuart application was initially for analog facilities on an allotted analog channel and subsequently amended to DTV-only facilities when the adoption of a DTV table, inter alia, precluded

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<sup>2</sup>On December 29, 1999, Marksteiner filed a statement of intent to file a DTV maximization application for the Stuart station by May 1, 2000.

analog operations on the channel. The Stuart facility and others like it, thus, are the equivalent of other previously existing analog allotments converting to DTV-only operations.

Respectfully submitted,

GUENTER MARKSTEINER

By: 

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February 10, 2000